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Attorneys for Defendant/Counter-Plaintiff,
KEATING DENTAL ARTS, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

JAMES R. GLIDEWELL DENTAL
CERAMICS, INC. dba GLIDEWELL
LABORATORIES,

Plaintiff.

V.

KEATING DENTAL ARTS, INC.

Defendant.

AND RELATED COUNTERCLAIMS

Civil Action No.
SACV11-01309-DOC(ANx)

Honorable David O. Carter

**DEFENDANT KEATING
DENTAL ARTS, INC.'S
APPLICATION FOR A
CONTINUANCE OF THE
FEBRUARY 26, 2013 TRIAL
COMMENCEMENT DATE
(L.R. 40-1)**

Trial Date: February 26, 2013
Time: 8:30 a.m.
Location: Southern Division,
Courtroom 9D

APPLICATION FOR A CONTINUANCE

Pursuant to Local Rule 40-1, Defendant and Counterclaimant Keating Dental Arts, Inc. (“Keating”) respectfully submits this Application requesting that the trial commencement date be continued by four weeks, from Tuesday, February 26, 2013 to **Tuesday, March 26, 2013**. This is the first request for an extension of the trial date in this case.

Originally, the Final Pretrial Conference was scheduled to be held on January 28, 2013. (*See* Docket No. 15.) On January 23, 2013, the Court rescheduled the Final Pretrial Conference (and the hearing of the parties' motions in limine) to the morning of the first day of trial, February 26, 2013. (*See* Docket No. 238.) **Keating does not seek a continuance of the Final Pretrial Conference.** Keating only seeks to introduce a four-week stagger between the Final Pretrial Conference and the start of Trial, as existed in the Court's original Scheduling Order.

Presently pending before the Court are five motions for summary judgment and eighteen motions *in limine*, all of which carry the potential for significantly impacting the landscape of the trial and the parties' preparation for the trial. The pending motions for summary judgment may be dispositive on many issues, and may even obviate the need for a trial.

The Court's rulings on the pending motions are likely to have a significant impact on the trial presentations of both parties, including the issues to be tried and the witnesses who will be allowed to testify. The four-week continuance is requested to promote the interests of judicial economy by allowing the Court and the parties to efficiently prepare for trial with an understanding of the issues to be tried and the witnesses who may be testifying.

The parties met and conferred on the subject of this Application on Tuesday, February 19, 2013, and exchanged subsequent written communications. Plaintiff and Counter-Defendant James R. Glidewell Dental Ceramics, Inc. (“Glidewell”) has indicated that it declines to join this Application.

For the reasons set forth above, Keating respectfully requests that the Court continue the commencement of trial until March 26, 2013. For the Court's convenience, a proposed order accompanies this request.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 21, 2013

By: /s/ David G. Jankowski
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